UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,988	12/06/2001	Ronald C. Card	80398P490	8402

8791	7590	12/29/2005

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EXAMINER
TESLOVICH, TAMARA

ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12 September 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,4-18,20-26 and 28-48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,2,4-18,20-26 and 28-48</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>06.29.05 07.22.05</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the Arguments filed on September 12, 2005.

Claims 3, 19 and 27 have been cancelled by the Applicant.

Claims 1-2, 4-18, 20-26, and 28-48 are herein considered.

Response to Arguments

Applicant's arguments filed September 12, 2005 have been fully

considered but they are not persuasive.

The Applicant's first argument concerns Wheeler's failure to disclose

wherein the user's authentication information comprises levels of authentication

corresponding to locations and wherein different access to the same entity is

given when the user requests access from different locations. The Examiner

respectfully disagrees with the Applicant's contentions and would like to draw the

Applicant's attention to the paragraphs wherein Wheeler discloses how "[a]

building may require by its rules a higher or different or multiple authentication

factors to be entered by the requesting entity" (par 67), "for example, a parking

lot would typically have a fairly low security level, while a nuclear research

laboratory which might be accessed from the parking lot would have a high

security level required to grant access" (par 58). Wheeler goes on to suggest

that his "business rules include gauging the risk of granting access to the

controlled resource" which are evaluated using a variety of risk elements

including "geographical history of the EC inputs" and "the type of communications

network used, such as secure intranet or the unsecured internet" (par 58).

Wheeler provides support for the need for location-based security levels within his background of the invention wherein he discusses how "access to specific buildings can require a second or stronger authentication factor" (par 3) in addition to access to specific databases and computer systems (pars 3-5). It is clear from this paragraphs that Wheeler has taken into consideration the need for different security levels corresponding to different access locations.

Concerning the Applicant's contention that Maritzen fails to disclose wherein the user's authentication information comprises levels of authentication corresponding to locations and wherein different access to the same entity is given when the user requests access from different locations, the Examiner respectfully disagrees and would like to draw the Applicant's attention paragraphs wherein Maritzen discloses wherein "a point-of-sale system may provide additional information to the transaction device" specific to the user's location (par 59). Maritzen teaches wherein the user is capable of gaining secure access to TCPH for various purposes, through various terminals and network mechanisms on a variety of transaction devices, each of which requires security (par 49). From these paragraphs it is clear that Wheeler has also taken into consideration the user's mobility and the need for requisite security regardless of where and how the user might choose to access the system.

In view of the arguments previous, Examiner respectfully disagrees with the Applicant's argument that Wheeler and Maritzen fail to disclose wherein the user's authentication information comprises levels of authentication

corresponding to locations and wherein different access to the same entity is given when the user requests access from different locations.

In view of Applicant's amendments to claims 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-48 the Examiner has provided below an amended set of 35 U.S.C. 102(e) rejections for those claims amended. With respect to claims 2, 4, 6-11, 13-16, 18, 22-26, 29-30, and 41-46, the Examiner maintains the corresponding 35 U.S.C. 102(e) rejections as provided in the previous office action.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Amended claims 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Wheeler et al., U.S. Patent Application Publication No. 2003/0126439 A1.

As per amended claim 1, Wheeler discloses a method comprising: transmitting identification information related to a user to an authentication entity (access authentication component); and receiving access to a secure entity (controlled resource) coupled to said authentication entity (access authentication component) if authentication information identifying said user is provided to said secure entity (controlled resource) ([0061]), said authentication information comprising levels of authentication corresponding to locations, wherein different

access to said secure entity is given when said user requires access from different locations ([0003]-[0005], [0058], [0067], [0130]).

As per amended claim 5, Wheeler discloses the method according to claim 4, wherein said profile contains said identification information related to said user and at least one level of authentication ([0130]).

As per amended claim 12, Wheeler discloses a method comprising: receiving an authentication request related to a user requesting access to a secure entity; retrieving a profile of said user from an access database, said profile containing at least one access question uniquely identifying said user; and transmitting authentication information to said secure entity based on an answer to said at least one access question (secret) received from said user ([0012-0013],[0065],[0087]; Figure 14), said authentication information comprising levels of authentication corresponding to locations, wherein different access to said secure entity is given when said user requests access from different locations ([0003]-[0005], [0058], [0067], [0130]).

As per amended claim 17, Wheeler discloses the method according to claim 12, further comprising receiving identification information related to said user from a personal transaction device coupled to said user and said secure entity, said identification information including said at least one access question (secret); and ([0012-0013]), storing said at least one access question and at least one level of authentication in said profile within said access database ([0021-0022], [0058], [0130]).

As per amended claim 20, Wheeler discloses the method according to claim 12, further comprising receiving identification information related to said user from a personal transaction device coupled to said user and said secure entity ([0020-21]); creating said at least one access question based on said identification information; and storing said at least one access question and at least one level of authentication in said profile within said access database ([0012-0013], [0058], [0130]).

Amended claim 21 is directed towards a system's implementation of the method of claim 12 and is rejected by similar rationale.

Amended claim 28 is directed towards a system's implementation of the method of claim 20 and is rejected by similar rationale.

As per amended claim 31, Wheeler discloses an apparatus comprising: means for transmitting identification information related to a user to an authentication entity; and means for receiving access to a secure entity coupled to said authentication entity if authentication information identifying said user is provided to said secure entity ([0020],[0022]), said authentication information comprising levels of authentication corresponding to locations, wherein different access to said security entity is given where said user requests access from different locations ([0003]-[0005], [0058], [0067], [0130]).

As per amended claim 37, Wheeler discloses an apparatus comprising: means for receiving an authentication request related to a user requesting access to a secure entity; means for retrieving a profile of said user from an access database, said profile containing at least one access question (secret)

uniquely identifying said user; and means for transmitting authentication

information to said secure entity based on an answer to said at least one access

question received from said user ([0013], [0133], [0021]), said authentication

information comprising levels of authentication corresponding to locations,

wherein different access to said secure entity is given when said user requests

access from different locations ([0003]-[0005], [0058], [0067], [0130]).

As per amended claim 38, Wheeler discloses the apparatus according to

claim 37, further comprising: means for receiving identification information related

to said user from a personal transaction device coupled to said user and said

secure entity, said identification information including said at least one access

question (secret); and means for storing said at least one access question and at

least one level of authentication in said profile within said access database

([0013, 0133], [0130]).

As per amended claim 39, Wheeler discloses the apparatus according to

claim 37, further comprising means for receiving identification information related

to said user from a personal transaction device coupled to said user and said

secure entity ([0019],[0021-0022]); means for creating said at least one access

question (secret) based on said identification information ([0013],[0015]); and

means for storing said at least one access question and at least one level of

authentication in said profile within said access database ([0013,0133]).

Amended claim 40 is directed towards the apparatus of claim 31 wherein

the apparatus is a computer-readable medium executing instructions within a

processing system and are rejected by similar rationale.

Amended claims 47-48 are directed towards the apparatus of claims 38-

39 wherein the apparatus is a computer-readable medium executing instructions

within a processing system and are rejected by similar rationale.

Amended claims 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-48 are

rejected under 35 U.S.C. 102(e) as being anticipated by Maritzen et al., U.S.

Patent Application Publication No. 2002/0026423 A1.

As per amended claim 1, Maritzen discloses a method comprising

transmitting identification information related to a user to an authentication entity;

and ([0033] lines 15-23; [0037]) receiving access to a secure entity coupled to

said authentication entity if authentication information identifying said user is

provided to said secure entity ([0036]), said authentication information comprising

levels of authentication corresponding to locations, wherein different access to

said secure entity is given when said user requires access from different

locations ([0049], [0059]).

As per amended claim 5, Maritzen discloses the method according to

claim 4, wherein said profile contains said identification information related to

said user and at least one level of authentication ([0037]).

As per amended claim 12, Maritzen discloses a method comprising:

receiving an authentication request related to a user requesting access to a

secure entity; retrieving a profile of said user from an access database, said

profile containing at least one access question uniquely identifying said user; and

transmitting authentication information to said secure entity based on an answer to said at least one access question received from said user ([0033]), said authentication information comprising levels of authentication corresponding to locations, wherein different access to said secure entity is given when said user requires access from different locations ([0049], [0059]).

As per amended claim 17, Maritzen discloses the method according to claim 12, further comprising: receiving identification information related to said user from a personal transaction device coupled to said user and said secure entity, said identification information including said at least one access question; and storing said at least one access question and at least one level of authentication in said profile within said access database ([0033],[0054]).

As per amended claim 20, Maritzen discloses the method according to claim 12, further comprising: receiving identification information related to said user from a personal transaction device coupled to said user and said secure entity; creating said at least one access question based on said identification information; and storing said at least one access question and at least one level of authentication in said profile within said access database ([0033],[0054]).

Amended claim 21 is directed towards a system's implementation of the method of claim 12 and is rejected by similar rationale.

Amended claim 28 is directed towards a system's implementation of the method of claim 20 and is rejected by similar rationale.

As per amended claim 31, Maritzen discloses an apparatus comprising: means for transmitting identification information related to a user to an

authentication entity (TCPH); and means for receiving access to a secure entity

coupled to said authentication entity if authentication information identifying said

user is provided to said secure entity ([0033]), said authentication information

comprising levels of authentication corresponding to locations, wherein different

access to said secure entity is given when said user requires access from

different locations ([0049], [0059]).

As per amended claim 37, Maritzen discloses an apparatus comprising:

means for receiving an authentication request related to a user requesting

access to a secure entity (vendor/financial system); means for retrieving a profile

of said user from an access database, said profile containing at least one access

question uniquely identifying said user (i.e. mother's maiden name); and means

for transmitting authentication information (account does exist, funds available) to

said secure entity based on an answer to said at least one access question

received from said user ([0033],[0036]), said authentication information

comprising levels of authentication corresponding to locations, wherein different

access to said secure entity is given when said user requires access from

different locations ([0049], [0059]).

As per amended claim 38, Maritzen discloses the apparatus according to

claim 37, further comprising: means for receiving identification information related

to said user from a personal transaction device coupled to said user and said

secure entity, said identification information including said at least one access

question; and means for storing said at least one access question and at least

one level of authentication in said profile within said access database

([0033],[0036],[0054]).

As per amended claim 39, Maritzen discloses the apparatus according to

claim 37, further comprising: means for receiving identification information related

to said user from a personal transaction device coupled to said user and said

secure entity; means for creating said at least one access question based on

said identification information; and means for storing said at least one access

question and at least one level of authentication in said profile within said access

database ([0033],[0036],[0054]).

Amended claim 40 is directed towards the apparatus of claim 31 wherein

the apparatus is a computer-readable medium executing instructions within a

processing system and is rejected by similar rationale.

Amended claims 47-48 are directed towards the apparatus of claims 38-

39 wherein the apparatus is a computer-readable medium executing instructions

within a processing system and are rejected by similar rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

In the course of the Examiner's updated prior art search, additional prior

art was

found, which although not relied upon in the present office action, teaches the limitations of Applicant's invention and may be relied upon in future office actions if the need arises.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

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direct.uspto.gov. Should you have questions on access to the Private PAIR

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free).
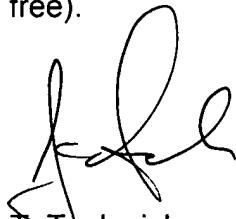
T. Teslovich
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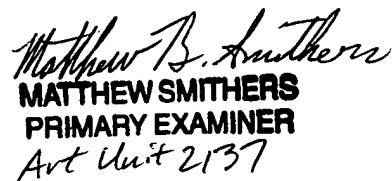
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